

Equality Scoping Template

This form will help you decide if you need to undertake a full Equality Impact Assessment. In using the form, please read the guidance document **'Issues you will need to consider when undertaking an Equality Impact Assessment'**. Equality Impact Assessments need to consider the needs for people covered by the equality strands of Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.

Title: Culture Services Review – Culture Trust Option

1. Who does the proposed piece of work/policy/proposal affect?

| Staff | Service Users/Carers | Communities/Voluntary Groups | Public |
|-------|----------------------|------------------------------|--------|
| ✓ | ✓ | ✓ | ✓ |

2. What are the aims and objectives of the work/policy/proposal being assessed?

A Review of Cultural Services is part of the ELL ICS Transformation Programme. Central to the review is the identification of the optimal organisational setup and governance model for Cultural Services including the option to form a Culture Trust.

Overall the Review has a savings target of £406k with £276k being attributed to the organisational setup and governance model for Cultural Services.

As part of the organisational set up two options were considered.

Option 1- Transfer to a New Organisation

Cultural Services transfer from the Council to be delivered from a new organisation within the third sector.

The main benefits identified from this scenario are:

- i. the capacity to safeguard frontline services by securing targeted savings from rates remission.
- ii. the capacity of a well-designed new organisation to deliver service improvements across a wide-ranging agenda.

The main risks identified are:

- i. financial – the direct costs of establishing the new organisation and the risk of unforeseen costs when services are decoupled from the Council.
- ii. alienation - the risks of vesting significant operational and strategic control in an organisation that is outside the Council.
- iii. that, in the event of failure, the Council will retain residual responsibility for the provision of these services.

Option 2 – Retention & Restructure within Scottish Borders Council

Services remain within the Council and are placed where they will make the best operational and strategic contribution to the Council's priorities.

The main benefits identified from this scenario are:

- i. the opportunity to consider new service groupings that, working together,

can more effectively focus on and deliver key Council priorities.

ii. the low cost of implementation.

The main risks identified are:

i. the impact on frontline services: the savings target will have to be met by reducing the scope and reach of services with the risk that withdrawal from some facilities becomes unavoidable.

The report being presented to Council in Feb 2014 recommends the Council to agree that the Transfer to a Charitable Trust is their preferred option for the future organisation and management of these services.

The Services currently in scope are
 Libraries
 Museums
 Archives
 Arts Development
 Community centres
 Halls
 Heart of Hawick
 Includes administration and clerical support

| | | Yes | No |
|----|--|-----|----|
| 3. | Will the proposal have any impact on equality of opportunity, discrimination between groups or relations between groups? | | ✓ |
| 4. | Is the proposal controversial in any way in terms of equality and diversity (including media, academic, voluntary or sector specific interest)? | | ✓ |
| 5. | Will the workforce or users of the service be disadvantaged as a result of the proposed work? | | ✓ |
| 6. | Is there doubt about answers to any of the above questions (e.g. there is not enough information to draw a conclusion)? | ✓ | |

If the answer to any of the above questions is yes or you are unsure of your answers to any of the above a full impact assessment is recommended.

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| 7. | Given the above statement, do you recommend a full impact assessment is completed? | ✓ | |
| 8. | If a full impact assessment is not required briefly explain why and provide evidence for the decision. | | |

Completed By

| | | | |
|-------------|---------------------------|--------------|--------------|
| Name | Ian Brown | Dept. | ELL |
| Post | Cultural Services Manager | Date | January 2013 |

For your records, keep one copy of this rapid impact assessment form and send an electronic copy plus any supporting documentation to evidence your decision to simone.doyle@scotborders.gov.uk

Record of Equality Impact Assessment (EIA)

Section One:

| Details of Service | |
|--------------------|---|
| 1.1 | <p>Name and brief description of the service, policy or function:</p> <p>Services currently grouped as Community Services</p> <p>Libraries Museums Archives Arts Development Community centres Halls Heart of Hawick Includes administration and clerical support</p> |
| 1.2 | <p>What are the aims and purpose of the service, policy or function? (<i>consider explicit and implicit aims and outcomes</i>)</p> <p>A Review of Cultural Services is part of the ELL ICS Transformation Programme. The blueprint for the Review is:</p> <ol style="list-style-type: none">1. Identifying the optimal organisational setup and governance model for Cultural Services including the option to form a Culture Trust.2. A Modernisation Review of Library Services <p>Overall the Review has a savings target of £406k with £276k being attributed to the organisational setup and governance model for Cultural Services.</p> <p>As part of workstream 1 two options were considered.</p> <p><u>Option 1- Transfer to a New Organisation</u> Cultural Services transfer from the Council to be delivered from a new organisation within the third sector.</p> <p>The main benefits identified from this scenario are:</p> <ol style="list-style-type: none">iii. the capacity to safeguard frontline services by securing targeted savings from rates remission.iv. the capacity of a well-designed new organisation to deliver service improvements across a wide-ranging agenda. <p>The main risks identified are:</p> <ol style="list-style-type: none">iv. financial – the direct costs of establishing the new organisation and the risk of unforeseen costs when services are decoupled from the Council.v. alienation - the risks of vesting significant operational and strategic control in an organisation that is outside the Council.vi. that, in the event of failure, the Council will retain residual responsibility for the provision of these services. |

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| | <p><u>Option 2 – Retention & Restructure within Scottish Borders Council</u> Cultural Services remain within the Council and are placed where they will make the best operational and strategic contribution to the Council’s priorities. The main benefits identified from this scenario are: iii. the opportunity to consider new service groupings that, working together, can more effectively focus on and deliver key Council priorities. iv. the low cost of implementation.</p> <p>The main risks identified are: ii. the impact on frontline services: the savings target will have to be met by reducing the scope and reach of services with the risk that withdrawal from some facilities becomes unavoidable.</p> <p>The report being presented to Council in Feb 2014 recommends the Council to agree that the Transfer to a Charitable Trust is their preferred option for the future organisation and management of these services. Before a final decision is taken a further report will be presented to the Council and this EIA will be reviewed and revised to take account of the final proposal.</p> |
| 1.3 | <p>Which groups or individuals have you involved or consulted with about your service, policy or function? (see guidance: Issues you will need to consider when undertaking an Equality Impact Assessment.)</p> <p>Transformation Programme Board, Staff, trade unions, elected members,</p> <p>Other local authorities who have considered/undertaken similar integration projects.</p> <p>During period up to the final decision to transfer the Services to a Charitable trust further consultation will take place.</p> |

Section 2: Assessing the Equality Impact of the Review of Cultural Services

Please use the table below to assess the impact of the service, policy or function on different equality groups. Please mark negative or positive impacts for each equality group.

| Equality Groups | Nature of Impact | | | | Please set out details of negative and positive impacts | |
|---|------------------|-----|------|----------|---|---|
| | Negative | | | Positive | | No Impact |
| Age: Effects on children, young people and older people | low | med | High | | ✓ | <p>The information given below is based on an assessment of the recommended option, Transferring Services to a Trust. Should an alternative option be recommended another EIA will be undertaken. Although a Trust will have a more commercial focus it is also a charity and must recycle any profits back into its mainline charitable activity. In order to secure charitable status a Trust will have to define its social, cultural and educational objectives and demonstrate to OSCR (Office of the Scottish Charity Regulator) how it will deliver them.</p> <p>Any agreement between SBC and the Trust will require the latter to sign up to the public sector Equality Duty which has been implemented to ensure that public bodies play their part in making society fairer. The aims of the duty are three fold:</p> <ul style="list-style-type: none"> • To eliminate unlawful discrimination, victimisation and harassment • To promote equality of opportunity for all • To foster good relations, promote understanding and challenge prejudice. <p>Positive</p> <ul style="list-style-type: none"> • The proposals to transfer services to a Trust provides a mechanism for these services to make the majority of the savings the Council require of them through rates remission rather than through a wide scale reduction or removal of customer facing services. This option therefore provides a level of protection for the delivery of these services to all equality groups. |

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| | | | | | | <p>No Impact</p> <ul style="list-style-type: none"> • It is proposed that all services and the vast majority of service points currently operating by Community Services will transfer to the Trust and so will continue to be accessible by users of all ages much as happens now. A service level agreement between the Council and the new Trust will define the level of services and how they are delivered and will ensure protection for vulnerable groups is covered. • This EIA will be reviewed, revised and re-presented when the Council is asked to finalise the transfer of services to a Trust • Currently there are no plans to withdraw any activities currently offered/delivered to any age group or community |
| Disability e.g. Effects on people with mental, physical, sensory impairment, learning disability, visible/invisible, progressive or recurring | Low | med | high | | ✓ | Comments as above (Age Equality group) |
| Gender: Effects on Male, Female, Transgender and Transsexual people | low | Med | high | | ✓ | Comments as above (Age Equality group) But NB see comments under Staff |

| Equality Groups | Nature of Impact | | | | | <i>Please set out details of positive and negative impacts</i> |
|--|------------------|-----|------|----------|-----------|--|
| | Negative | | | Positive | No impact | |
| Effects on Race Groups: including colour, nationality, ethnic origins, including minorities (e.g. gypsy travellers, refugees, migrants and asylum seekers) | low | med | high | | ✓ | Comments as above (Age Equality group) |
| Effects on people with Religious or other Beliefs: different beliefs, customs (including atheists and those with no aligned belief) | low | med | high | | ✓ | Comments as above (Age Equality group) |
| Effects on Sexual Orientation, e.g. Lesbian, Gay, Bisexual, Heterosexual | low | med | high | | ✓ | Comments as above (Age Equality group) |

| Equality Groups | Nature of Impact | | | | | <i>Please set out details of positive and negative impacts</i> |
|--|------------------|-----|------|----------|-----------|--|
| | Negative | | | Positive | No Impact | |
| Effects on Poverty Groups: (including impacts on communities in rural areas, people on low wages, who have literacy and other difficulties etc.) | low | med | high | | ✓ | Comments as above (Age Equality group) <ul style="list-style-type: none"> The proposals will not impact or disadvantage any poverty group, eg the current policies regarding free entry to museums and free access to books, information, computers and internet are likely to remain. |
| Effects on people with health problems/issues or needs (including those with recognised medical and mental health conditions). The effects on public health and the general health of the population caused by the service change should also be assessed here. | low | med | high | | ✓ | Comments as above (Age Equality group) |
| Effects on staff including full time, part time, permanent temporary, job share etc. | low | Med | high | ✓ | | <p>Positive</p> <ul style="list-style-type: none"> The proposals to transfer services to a Trust provides a mechanism for these services to make the majority of the savings required of them through rates remission rather than through a wide scale reduction or removal of customer facing services with resulting impact on jobs. This option therefore provides a level of protection for staff as it will protect the number of jobs in the sector. <p>No change</p> |

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| | | ✓ | | ✓ | <ul style="list-style-type: none"> For the majority of current staff there should be no significant change in their grade and conditions. The Trust will maintain the services' commitment to provide volunteering opportunities. <p>Medium Negative Impact</p> <ul style="list-style-type: none"> The proposals will definitely impact on staff in that they will transfer from the Council as their employer to a Trust as their employer. However all staff within the scope of the project and who have contracted hours will have their current terms and conditions protected under TUPE. Despite the protection of TUPE it is recognised that the transfer from the security of the terms and conditions and protection that employment in the public sector provide to the unknown of what life may be like in a third sector organisation is unsettling and stressful for some staff. Within the Trust there may be changes to structures, roles and remits that may have negative effect on some grades (but this is no different that what could happen if the services remain within SBC). Staff who have no contracted hours regular pattern or expectation of work will not TUPE transfer to the Trust, they may be offered new contracts with the Trust. There is no certainty that these will be offered on the SBC terms and conditions. This currently applies to 58 staff equivalent to 25% of the work force. Some 170 staff could expect to TUPE transfer. There is no certainty that new staff recruited to the Trust will be offered terms and conditions as favourable as those transferring under TUPE Under the current Council terms and conditions the Redeployment scheme provides a level of protection to any member of staff whose post is changed or removed. There is no certainty that redeployment opportunities within SBC will be continue to be offered to staff transferring to the trust. Currently 63.67% of staff are female and 66.48% of female staff are |
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| | | | | | | part-time workers. Any changes in work practices and routines may require a change to established work-life routines/balance. |
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Section 3: Summary Findings of Equality Impact Assessment

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| 3.1 | <p>Please summarise the general impact of the service, policy or function and its impact on the equality groups:</p> <p>Although a Trust will have a more commercial focus it is also a charity and must recycle any profits back into its mainline charitable activity. In order to secure charitable status a Trust will have to define its social, cultural and educational objectives and demonstrate to OSCR (Office of the Scottish Charity Regulator) how it will deliver them.</p> <p>Any agreement between SBC and the Trust will require the latter to sign up to the public sector Equality Duty which has been implemented to ensure that public bodies play their part in making society fairer. The aims of the duty are three fold:</p> <ul style="list-style-type: none">• To eliminate unlawful discrimination, victimisation and harassment• To promote equality of opportunity for all• To foster good relations, promote understanding and challenge prejudice. <p>In general, the overall impact of this proposal to transfer services to a Trust on users and equality groups will be positive because it provides a mechanism for these services to make the majority of the savings the Council require of them through rates remission rather than through a wide scale reduction or removal of customer facing services. This option therefore provides a level of protection for the delivery of these services to all equality groups and protection of jobs that might otherwise be lost if savings had to be from staffing numbers.</p> <p>It is proposed that all services and the vast majority of service points currently operating by Community Services will transfer to the Trust and so will continue to be accessible by all types of users much as happens now. A service level agreement between the Council and the new Trust will define the level of services and how they are delivered and will ensure protection for vulnerable groups is covered.</p> <p>This EIA will be reviewed, revised and re-presented when the Council is asked to finalise the transfer of services to a Trust</p> <p>The main impacted group are staff as they will be transferred from SBC to the new Trust. This is dealt with in more detail in Section 2, Staff.</p> |
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| 3.2 | <p>Please summarise mitigation actions to deal with negative impacts of the service, policy or function:</p> <p>The mitigating actions to deal with the staffing issues will be through adherence to TUPE, keeping staff informed throughout the process and working with the Trade Unions</p> |
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Section 4: Signing off your Equality Impact Assessment

I confirm that this report is an accurate and correct account of the EIA findings for this service change and I am satisfied with the conclusion and outcome of the impact assessment:

**Agreed by
Manager or
Head of Service**

Name/Job Title: Glenn Rodger Director of Education and Lifelong Learning

Date: 20 February 2014

Equality Impact Assessment (EIA) SUMMARY (Publishing Form)

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| Title of Policy/Function/Service: | Transferring Community Services to a third sector charitable trust, phase 1 – Preferred Option | |
| Directorate/Department: Head of Service: | Education and Lifelong Learning: Director- Glenn Rodger | |
| Telephone No: Email Address: | 01835 824000 grodger@scotborders.gov.uk | |
| Names/ Job titles of Assessors | Ian Brown, Cultural Services Manager, Iain MacAulay, Community Services Business Manager Simone Doyle, Corporate Equality and Diversity Officer | |
| Summary of Policy / Service /Function aims: | Take forward the transfer of Community Services to a third sector charitable trust from preferred option to final decision | |
| Strands Impacted: | Age Disability Gender Race Religion or Belief Sexual Orientation Poverty/Social Exclusion Health Staff ✓ | |
| Please note: If you leave any box blank in this section you will have decided that your proposed service or function has no impact on that particular strand. | | |
| Summary of key issues arising and decisions made | <p>In order to secure charitable status a Trust will have to define its social, cultural and educational objectives and demonstrate to OSCR (Office of the Scottish Charity Regulator) how it will deliver them. Any agreement between SBC and the Trust will require the latter to sign up to the public sector Equality Duty</p> <p>This EIA will be reviewed, revised and re-presented when the Council is asked to finalise the transfer of services to a Trust</p> <p>The main impacted group will be staff as they will transfer from the Council to the new organisation.</p> | |
| Summary of key recommendations | The mitigating actions to deal with the staffing issues will be through adherence to TUPE, keeping staff informed throughout the process and working with the Trade Unions | |
| Agreed by Head of Service | Name: Glenn Rodger | Date: 20 Feb 2014 |